



FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

03-14-07
09:27 PM

Application of California-American Water Company (U 210 W) for an Interest Rate of 8.33% for Allowance for Funds Used During Construction (AFUDC) for its San Clemente Dam Memorandum Account and for Authorization to Place the Estimated Annual Average cost of Construction Work in Progress into Rates Base Once the Project is More Certain.

Application 07-02-023
(Filed February 20, 2007)

**CHIEF ADMINISTRATIVE LAW JUDGE RULING
ON MOTION FOR REASSIGNMENT ON PEREMPTORY CHALLENGE**

The Commission's Rules of Practice and Procedure, Article 9, Rules 9.2 - 9.8 specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Motion for Reassignment: peremptory challenge (Rule 9.2), prior service (Rule 9.3), and cause (Rule 9.4). The first two, peremptory challenge and prior service, are only available in proceedings categorized as adjudicatory or ratesetting.

On March 12, 2007, California-American Water Company filed a Motion for Reassignment on Peremptory Challenge of this proceeding to another ALJ. This Motion was filed under Rule 9.2 and Rule 11.1, and thereby seeks reassignment on peremptory challenge. As provided in Rule 9.2(d), I am issuing a ruling on that Motion.

A properly supported Motion seeking reassignment on peremptory challenge can only be filed by a party or a person or entity declaring the intention in good faith to become a party to a ratesetting proceeding. A party is entitled to file a motion only once for reassignment of peremptory challenge. Further, no more than two reassignments per ratesetting proceeding are permitted (Rule 9.2(b)). Finally, any such motion must be filed timely.

Timely Filed

The Rules require this motion to be filed no later than 10 days after the date of the notice. In this proceeding, notice of the assignment occurred for purposes of Rule 9.2(c) on March 2, 2007. Since the Motion was filed on March 12, 2007, it was timely filed.

Available Procedure

California-American Water Company is a party to this proceeding. This is the first petition filed in this proceeding so the procedure is available. This proceeding is categorized as “ratesetting.” Reassignment on Peremptory Challenge is a form of motion for reassignment appropriate to the category of this proceeding.

Properly Supported

The Rules require that a Motion be supported by a declaration under penalty of perjury (or affidavit by out-of-state person). This Motion is so supported by Applicant.

Therefore, **IT IS RULED** that the Motion for Reassignment on Peremptory Challenge, filed by California-American Water Company is granted. This proceeding is reassigned to Administrative Law Judge Maribeth A. Bushey.

Dated March 14, 2007, at San Francisco, California.

/s/ ANGELA K. MINKIN
Angela K. Minkin
Chief Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated March 14, 2007, at San Francisco, California.

/s/ JOVITA CHANG
Jovita Chan

***** SERVICE LIST *****

Last Update on 14-MAR-2007 by: LIL
A0702023 NOPOST

***** APPEARANCES *****

Darlene M. Clark
CALIFORNIA AMERICAN WATER
4701 BELOIT DRIVE
SACRAMENTO CA 95838-2434
(916) 568-4217
darlene.clark@amwater.com

Kent Turner
CALIFORNIA AMERICAN WATER COMPANY
303 H STREET, SUITE 250
CHULA VISTA CA 91910
(619) 509-7704
turnerkb@amwater.com

David P. Stephenson
Director Of Rates & Planning
CALIFORNIA-AMERICAN WATER COMPANY
4701 BELOIT DRIVE
SACRAMENTO CA 94838
(916) 568-4222
dstephens@amwater.com

Sarah E. Leeper
Attorney At Law
STEEFEL, LEVITT & WEISS
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO CA 94111
(415) 788-0900
sleeper@steefel.com
For: California America Water Company

Lenard G. Weiss
Attorney At Law
STEEFEL, LEVITT & WEISS, P.C.
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO CA 94111
(415) 788-0900
lweiss@steefel.com
For: California American Water Company

Lori Anne Dolqueist
Attorney At Law
STEEFEL, LEVITT AND WEISS
ONE EMBARCADERO CENTER, 30TH FLOOR
SAN FRANCISCO CA 94111
(415) 403-3263
ldolqueist@steefel.com
For: California American Water Company

***** STATE EMPLOYEE *****

Maribeth A. Bushey
Administrative Law Judge Division
RM. 5018
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 703-3362
mab@cpuc.ca.gov

Fred L. Curry 5
Water Division
RM. 3106
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 703-1739
flc@cpuc.ca.gov

Christine M. Walwyn
Administrative Law Judge Division
RM. 5008
505 VAN NESS AVE
San Francisco CA 94102 3298
(415) 703-2301
cmw@cpuc.ca.gov

***** INFORMATION ONLY *****

Andrew M. Bell
District Engineer
MONTEREY PENINSULA WATER MANAGEMENT DIST
PO BOX 85
MONTEREY CA 93942-0085
(831) 658-5620
andy@mpwmd.dst.ca.us